

CLEAN AIR ACT (CAA)

7-6-B. Administrative Enforcement Actions: Agency Representation
in Hearings and Negotiation of Consent Agreements

1. AUTHORITY.

a. To represent the EPA in administrative proceedings conducted under the Clean Air Act, and to represent the Agency in appeals initiated from administrative determinations.

b. To negotiate consent agreements between the Agency and respondents resulting from such administrative enforcement actions.

2. TO WHOM DELEGATED.

a. The authorities in 1.a. are delegated to the Regional Counsel and/or his/her designee.

b. The authority in 1.b. is delegated to the Director, Air Protection Division (APD); ~~Associate Director for Enforcement and Permits Policy, APD;~~ Director, Land and Chemicals Division (LCD); Associate Director, Office of Toxics and Pesticides, LCD; Chief, Pesticides and Asbestos Programs Branch, LCD; Director, Hazardous Site Cleanup Division (HSCD); Associate Director, Office of Enforcement, HSCD; Director, Office of Enforcement, Compliance and Environmental Justice (OECEJ); and the Chief, Enforcement and Compliance Assistance Branch, OECEJ.

3. LIMITATIONS.

a. This authority may only be exercised after the alleged violator either files an answer or fails to file an answer in the specified time period.

b. The delegates in paragraph 2.b. above must obtain the concurrence of the Regional Counsel prior to exercising the authority in 1.b.

c. The OECEJ delegates may exercise this authority only in multi-media cases.

d. The OECEJ delegates must consult with the APD, LCD, or HSCD delegates, respectively, before exercising this authority.

e. The LCD delegates may exercise these authorities only in asbestos NESHAPS cases under 40 CFR Part 61, Subpart M.

CLEAN AIR ACT (CAA)

7-6-B. Administrative Enforcement Actions: Agency Representation
in Hearings and Negotiation of Consent Agreements (Cont.)

3. LIMITATIONS (Cont.).

f. The HSCD delegatee may exercise these authorities only in cases arising under Section 112 (r) of the Clean Air Act.

4. REDELEGATION AUTHORITY. This authority may not be redelegated without formal amendment.

5. ADDITIONAL REFERENCES.

a. Only the Assistant Administrator for Enforcement and Compliance Assurance may exercise the authority to initiate appeals.

b. The Assistant Administrator for Enforcement and Compliance Assurance must notify the Assistant Administrator for Air and Radiation or his/her designee and the appropriate Regional Administrator or his/her designee when an appeal is initiated.

c. Sections 113(d) and 205(c) of the Clean Air Act.

d. See Delegation 7-6-A, "Administrative Enforcement Actions: Issuance of Complaints and Orders, and Signing of Consent Agreements, etc."

6. SUPERSESSSION. Delegations Manual, CAA, Regional Delegation 7-6-B. Administrative Enforcement Actions: Agency Representation in Hearings and Negotiation of Consent Agreements, 1200 TN RIII-147 (August 26, 2002).

Date 11/12/08

/s/
Donald S. Welsh
Regional Administrator